



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 26 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7013 3020 0001 1645 1747

Mr. Randy Melrose
Property Owner
2402 Murray Court
El Dorado, Kansas 67042

RE: 115 West 5th Avenue
El Dorado, Kansas

Dear Mr. Melrose:

Letter of Warning/Request for Information

On June 6, 2014, representatives of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report and your July 26, 2014, response to the Notice of Violation (NOV) and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations, a list of questions and/or requested information, and instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.

Within thirty (30) calendar days of receiving this letter, please mail your response to: Edwin G. Buckner PE, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Blvd., Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Buckner, of my staff, at 913 551-7621 or buckner.edwin@epa.gov.

Sincerely,

Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures (3)

cc: Ms. Rebecca Wenner, Kansas Department of Health and Environment
Kansas Department of Health and Environment South Central District Office



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List of Violations

115 West 5th Avenue
El Dorado, Kansas

1. 40 CFR § 262.11 Failure to make a hazardous waste determination on the following wastes:
 - a. Eleven pallets of paint containing damaged or leaking containers,
 - b. Three, spent, lead-acid batteries,
 - c. Two, 55-gallon, drums of unknown liquid, and
 - d. One, 3-foot, release of an unknown black liquid onto the ground.
2. 40 CFR § 279.22(c)(1) Failure to label two, 55-gallon, containers of used oil with the words "used oil."
3. 40 CFR § 279.22(d)(3) Failure to clean up used oil released to the environment.

Requested Information

115 West 5th Avenue
El Dorado, Kansas

1. In your July 26, 2014, response to the June 6, 2014, Notice of Violation, you indicated that you disposed of paint that was “not good.” Please describe:
 - a. How you determined which containers of paint were not good (i.e., waste),
 - b. How you determined if those waste paint containers were hazardous,
 - c. What paint containers you disposed of (number, size, and contents of each), and
 - d. How you disposed of each of those containers.
2. You stated that you took care of the car batteries. Please describe what you did with the batteries; for example, were they recycled, placed in the trash, etc.
3. The inspector identified two drums of unknown liquid, but your response stated that you identified one barrel as rain water and took care of that barrel. Please describe:
 - a. The contents of the other drum identified by the inspector and
 - b. What you did with the contents of that additional drum.
4. In your response to the NOV you said the contaminated soil was identified as oil and that it had been removed. Please describe:
 - a. How you determined all the oil was removed and
 - b. How you disposed of the contaminated soil.
5. In your response, you stated that you had identified the waste oil barrels as such and provided photographs of two drums with the words “waste oil” written upon them. Note that according to the used oil regulations, a generator of used oil must label his containers with the words “used oil.” Please provide documentation that these drums have been correctly labeled.
6. Did you make a hazardous waste determination, in accordance with 40 CFR 262.11, for waste paint, batteries, and contaminated soil? If so, please provide documentation of those determinations whether a positive or negative determination was made.

3007 RESPONSE INSTRUCTIONS

Identify the Person(s) responding to this request on your behalf.

Address each numbered item separately, and precede each answer with the number of the item to which it responds.

For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)

For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.

For each numbered item, identify all persons consulted in the preparation of the answer.

For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.

If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.

If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.

If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.

You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, in accordance with 40 CFR 2.203(b), you must do so by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend that identifies the material with words such as "trade secret," "proprietary," or "company confidential." Please make such claims in a bold, clearly identifiable manner, such that immediately upon viewing the information it is evident that a claim of confidentiality has been made.

The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.

A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.

Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.

The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.